

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
CORDELIA EVANS

Plaintiff

-against-

**Answer to Complaint**

09-cv-07025

VAN RU CREDIT CORPORATION

Defendant  
-----X

Defendant VAN RU CREDIT CORPORATION by its attorney Mel S. Harris and Associates, LLC, answer plaintiff's complaint as follows:

1. Defendant acknowledges being sued pursuant to state and federal law, but denies any violation thereof.
2. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "2" of the complaint.
3. Defendant denies each and every allegation contained in paragraph "3" of the complaint.
4. Defendant avers that the "letter" speaks for itself and further denies the remaining allegations contained in paragraph "4" of the complaint.
5. Defendant denies each and every allegation contained in paragraph "5" of the complaint.
6. Defendant denies each and every allegation contained in paragraph "6" of the complaint.
7. Defendant admits that jurisdiction is now appropriate but denies each and every other allegation contained in paragraph "7" of the complaint.
8. Defendant admits that venue is now appropriate.
9. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "9" of the complaint.
10. Defendant admits that under certain circumstances it can be considered a debt collection firm. Defendant admits the remaining.

11. Defendant admits the allegations contained in paragraph "11" of the complaint.

12. Defendant admits that under certain circumstances it can be considered a debt collector. Furthermore, defendant avers that 15 U.S.C. 1692a(6) speaks for itself and further denies the remaining allegations contained in paragraph "12" of the complaint.

13. Defendant avers that 15 U.S.C. 1692a speaks for itself and further denies the remaining allegations contained in paragraph "13" of the complaint.

14. Defendant avers that 15 U.S.C. 1692a(6)(C) speaks for itself and further denies the remaining allegations contained in paragraph "14" of the complaint.

15. Defendant avers that the "FDCPA" speaks for itself and further denies the remaining allegations contained in paragraph "15" of the complaint.

16. Defendant avers that 15 U.S.C. 1692f speaks for itself and further denies the remaining allegations contained in paragraph "16" of the complaint.

17. Defendant avers that 15 U.S.C. 1692e speaks for itself and further denies the remaining allegations contained in paragraph "17" of the complaint.

18. Defendant avers that 15 U.S.C. 1692e(4) speaks for itself and further denies the remaining allegations contained in paragraph "18" of the complaint.

19. Defendant avers that 15 U.S.C. 1692e(5) speaks for itself and further denies the remaining allegations contained in paragraph "19" of the complaint.

20. Defendant avers that 15 U.S.C. 1692d speaks for itself and further denies the remaining allegations contained in paragraph "20" of the complaint.

21. Defendant avers that 15 U.S.C. 1692k(a)(2)(A) speaks for itself and further denies the remaining allegations contained in paragraph "21" of the complaint.

22. Defendant avers that N.Y.Gen.Bus.Law § 349(a) speaks for itself and further denies the remaining allegations contained in paragraph "22" of the complaint.

23. Defendant avers that N.Y.Gen.Bus.Law § 349(h) speaks for itself and further denies the remaining allegations contained in paragraph "23" of the complaint.

24. Defendant avers that N.Y.Gen.Bus.Law § 349(h) speaks for itself and further denies the remaining allegations contained in paragraph "24" of the complaint.

25. Defendant avers that 42 U.S.C. § 1381a speaks for itself and further denies the remaining allegations contained in paragraph "25" of the complaint.

26. Defendant avers that 20 C.F.R. §§ 416.1110, 416.1205 speaks for themselves and further denies the remaining allegations contained in paragraph "26" of the complaint.

27. Defendant avers that 20 C.F.R. § 416.110 speaks for itself and further denies the remaining allegations contained in paragraph "27" of the complaint.

28. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "28" of the complaint.

29. Defendant avers that 42 U.S.C. §§ 407(a) and 1383(d)(1) speaks for themselves and further denies the remaining allegations contained in paragraph "29" of the complaint.

30. Defendant avers that 42 U.S.C. § 407(a) speaks for itself and further denies the remaining allegations contained in paragraph "30" of the complaint.

31. Defendant avers that 31 U.S.C. § 3716.31 C.F.R. § 285.4(e)iii speaks for itself and further denies the remaining allegations contained in paragraph "31" of the complaint.

32. Defendant avers that 31 U.S.C. § 3716.31 C.F.R. § 285.4(e)iii speaks for itself and further denies the remaining allegations contained in paragraph "31" of the complaint.

33. Defendant avers that 31 C.F.R. § 285.4 speaks for itself and further denies the remaining allegations contained in paragraph "33" of the complaint.

34. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "34" of the complaint.

35. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "35" of the complaint.

36. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "36" of the complaint.

37. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "37" of the complaint.

38. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "38" of the complaint.

39. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "39" of the complaint.

40. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "40" of the complaint.

41. Defendant avers that the "letter" speaks for itself and further denies the remaining allegations contained in paragraph "41" of the complaint.

42. Defendant avers that the "letter" speaks for itself and further denies the remaining allegations contained in paragraph "42" of the complaint.

43. Defendant avers that the "letter" speaks for itself and further denies the remaining allegations contained in paragraph "43" of the complaint.

44. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "44" of the complaint.

45. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "45" of the complaint.

46. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "46" of the complaint.

47. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "47" of the complaint.

48. Defendant denies each and every allegation contained in paragraph "48" of the complaint.

49. Defendant denies each and every allegation contained in paragraph "49" of the complaint.

50. Defendant denies each and every allegation contained in paragraph "50" of the complaint.

51. Defendant denies each and every allegation contained in paragraph "51" of the complaint.

52. Defendant denies each and every allegation contained in paragraph "52" of the complaint.

53. Defendant denies each and every allegation contained in paragraph "53" of the complaint.

54. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "54" of the complaint.

55. Defendant denies each and every allegation contained in paragraph "55" of the complaint.

56. Defendant denies each and every allegation contained in paragraph "56" of the complaint.

57. Defendant avers that the "letter" speaks for itself and further denies the remaining allegations contained in paragraph "57" of the complaint.

58. Defendant avers that the "letter" speaks for itself and further denies the remaining allegations contained in paragraph "58" of the complaint.

59. Defendant avers that the "letter" speaks for itself and further denies the remaining allegations contained in paragraph "59" of the complaint.

60. Defendant avers that the "financial form" speaks for itself and further denies the remaining allegations contained in paragraph "60" of the complaint.

61. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "61" of the complaint.

62. Defendant denies each and every allegation contained in paragraph "62" of the complaint.

63. Defendant denies each and every allegation contained in paragraph "63" of the complaint.

64. Defendant denies each and every allegation contained in paragraph "64" of the complaint.

65. Defendant denies each and every allegation contained in paragraph "65" of the complaint.

66. Defendant hereby repeats the answer to Paragraphs 1-65 of this Answer as the answer to this Paragraph "66" of the Complaint as though fully set forth herein.

67. Defendant avers that 15 U.S.C. 1692d speaks for itself and further denies the remaining allegations contained in paragraph "67" of the complaint.

68. Defendant avers that 15 U.S.C. 1692f speaks for itself and further denies the remaining allegations contained in paragraph "68" of the complaint.

69. Defendant avers that 15 U.S.C. 1692e speaks for itself and further denies the remaining allegations contained in paragraph "69" of the complaint.

70. Defendant avers that 15 U.S.C. 1692e(4) speaks for itself and further denies the remaining allegations contained in paragraph "70" of the complaint.

71. Defendant denies each and every allegation contained in paragraph "71" of the complaint.

72. Defendant denies each and every allegation contained in paragraph "72" of the complaint.

73. Defendant denies each and every allegation contained in paragraph "73" of the complaint.

74. Defendant denies each and every allegation contained in paragraph "74" of the complaint.

75. Defendant denies each and every allegation contained in paragraph "75" of the complaint.

76. Defendant denies each and every allegation contained in paragraph "76" of the complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

77. Any violation of law by defendant, which is specifically denied, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

78. This claim is barred by one or more of the grounds listed in FRCP 12(b)

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

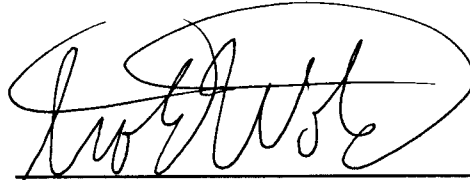
79. Plaintiff has suffered no damages as a result of any of the actions of the defendant.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

80. Defendant reserves the right to allege and assert any additional and/or further affirmative defenses as become apparent to defendants during the course of this litigation.

**Wherefore,** Defendant respectfully prays that this action be dismissed with prejudice in its entirety and that Defendant be awarded reasonable attorneys' fees and costs incurred to date in defending this action and for such other and further relief as this Court deems proper.

Dated: New York, NY  
August 25, 2009

A handwritten signature in black ink, appearing to read 'Scott Wortman', is written over a horizontal line.

By: Scott Wortman, Esq.  
Mel S. Harris and Associates, L.L.C.  
Attorneys for Defendant  
Direct Dial: (212) 571-4900 ext. 3208  
Direct Facsimile: (212) 660-1019  
E-mail: [swortman@melharrislaw.com](mailto:swortman@melharrislaw.com)